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In re Application of  
NIEMARK, et al.  
U.S. Application No.: 10/586,127 : DECISION ON PETITION  
PCT No.: PCT/NL05/00039 :  
Int. Filing Date: 19 January 2005 : UNDER 37 CFR 1.182  
Priority Date: 19 January 2004 :  
Attorney's Docket No.: 4662-214 :  
For: THERMOPLASTIC ELASTOMER :  
COMPOSITION :  
:

This decision is in response to applicant's "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS" filed 17 May 2007 in the United States Patent and Trademark Office (USPTO). For the reasons detailed below the response is being treated as a petition under 37 CFR 1.182. As authorized, the \$400.00 petition fee will be charged to deposit account number 14-1140.

**BACKGROUND**

On 19 January 2005, applicant filed international application PCT/NL05/00039, which claimed priority of an earlier application filed 19 January 2004. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 28 July 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 19 July 2006.

On 17 July 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a First preliminary amendment. Applicant did not file an executed oath or declaration of the inventor.

On 07 November 2006, applicant filed an executed declaration of the inventors.

On 12 April 2007, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. Applicant was advised that the second named inventor's name was different on the filed declaration than on the international application. Applicant was given two months to respond.

On 17 May 2007, applicant filed the present response indicating that the second named inventor, Marianna Sarkissova had married and taken her husband's name and thus executed the declaration as Marianna Sarkissova-Mikhaylova.

### DISCUSSION

The Manual of Patent Examining Procedure (MPEP) section 605.04 provides guidance for instances where an inventor has changed names. It explains that:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

As applicant has not provided either a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order, it is not possible to grant applicant's petition at this time.

### CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.182 is **DISMISSED**.

Applicant is hereby afforded **TWO (2) MONTHS** to file a proper response as detailed above. The response should be titled, "Renewed Petition Under 37 CFR 1.182." No additional petition fee is required.

Please direct future correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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